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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,551	12/27/2001	Tomohiro Hosokawa	50006-135	9571

7590

08/21/2003

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EXAMINER

STEVENSON, ANDRE C

ART UNIT

PAPER NUMBER

2812

DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/026,551	Applicant(s) HOSOKAWA ET AL.	
	Examiner Andre' C. Stevenson	Art Unit 2812	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-41 is/are pending in the application.
- 4a) Of the above claim(s) 37-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

Detail Action

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10026551, filed on December 27, 2001.

Election/Restrictions

Claims 8 through 11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **with** traverse in Paper No. 8 (07/09/03).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 through 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kobayashi et al (U.S. Pat. No.5210041 B1).

Kobayashi et al (U.S. Pat. No.5210041 B1), for **Claim #25**, a manufacturing method of a semiconductor device in which a semiconductor substrate is subjected to

Art Unit: 2812

processing includes pre-processing and post-processing, comprising: a pre-processing step to process a semiconductor substrate a measurement step to measure a characteristic of said semiconductor substrate processed at said pre-processing step; a setup step to set a processing condition for post processing based on a result of the measurement at said measurement step (**Column 2, lines 15 through 35, Column 4, lines 35 through 49**); a post-processing step to process said semiconductor substrate using said processing condition; and an inspection step to inspect a characteristic of said semiconductor substrate processed at said post-processing step and to judge whether compliance with a predetermined standard is found or not, and characterized in further comprising re-processing step of re-processing said semiconductor substrate judged not complying with said standard at said inspection step such that said semiconductor substrate complies with said standard (**Column 3, lines 53 through 65, Column 4, lines 4 through 15**)

With respect to **Claim #2** a manufacturing method according to claim 1, characterized in that a processing condition for said reprocessing step is determined based on a result of the inspection at said inspection step, is taught by Kobayashi et al (U.S. Pat. No.5210041 B1) (Column 2, lines 15 through 35, Column 4, lines 35 through 49, Column 3, lines 53 through 65, Column 4, lines 4 through 15).

With respect to **Claim #3**, a manufacturing method according to claim 1, characterized in that said re-processing step is one step selected from a group including

said pre-processing step and said post-processing step, is taught by Kobayashi et al (U.S. Pat. No.5210041 B1) (Column 2, lines 15 through 35, Column 4, lines 35 through 49, Column 3, lines 53 through 65, Column 4, lines 4 through 15)..

Furthermore, **Claim #4**, a manufacturing method according to claim1, characterized in that said re-processing step includes said pre-processing step, said measurement step, said setup step and said post-processing step, is taught by Kobayashi et al (U.S. Pat. No.5210041 B1) (Column 2, lines 15 through 35, Column 4, lines 35 through 49, Column 3, lines 53 through 65, Column 4, lines 4 through 15)..

Objected Claims

Claims 5, 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim #5

- ✓ A step at which said insulation film is etched using an etching condition.

Claim #6

- ✓ Etching condition determined based on a measurement result regarding at least one dimension selected between a film thickness of said field oxide film and a width of an active layer region sandwiched by said field oxide film, from a table showing a relationship between the width of said active

Art Unit: 2812

layer region and an etching quantity of said field oxide film, such that the width of said active layer region has a predetermined dimension.

Claim #7

- ✓ One dimension selected between a film thickness and a width of a predetermined portion of said semiconductor substrate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' Stevenson whose telephone number is (703) 308 6227. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling, can be reached on (703) 308 3325. The fax phone number for the organization where this application or proceeding is assigned is (703) 308 7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956. Also, the proceeding numbers can be used to fax information through the Right Fax system;

- TC2800 Official Before-Final RightFAX - **(703) 746-8802**
- TC2800 Official After-Final RightFAX - (703) 872-9319
- TC2800 Customer Service RightFAX - (703) 872-9317

Application/Control Number: 10/026,551
Art Unit: 2812

Page 6

Andre' Stevenson

Art Unit 2812

08/07/03


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